
STATUTORY INSTRUMENTS

2021 No. 1037

EMPLOYMENT TRIBUNALS

The Employment Tribunals (Constitution and Rules of Procedure) (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2021

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| <i>Made</i> | - - - - | <i>13th September 2021</i> |
| <i>Laid before Parliament</i> | | <i>15th September 2021</i> |
| <i>Coming into force</i> | | |
| <i>for the purpose of regulations 1, 2 and 3</i> | | <i>6th October 2021</i> |
| <i>for all other purposes</i> | | <i>1st December 2021</i> |

The Secretary of State, in exercise of the powers conferred by sections 7(1) and (3), 18A(11) and (12), and 41(4) of the Employment Tribunals Act 1996(1), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Employment Tribunals (Constitution and Rules of Procedure) (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2021.

(2) This regulation and regulations 2 and 3 come into force on 6th October 2021 and the remainder of these Regulations come into force on 1st December 2021.

(3) These Regulations extend to England and Wales and Scotland.

(1) 1996 c.17; by virtue of the Employment Rights (Dispute Resolution) Act 1998 (c.8) industrial tribunals were renamed employment tribunals and references to “industrial tribunal” and “industrial tribunals” in any enactment were substituted with “employment tribunal” and “employment tribunals”. Section 7(3) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c.8), the Employment Act 2002 (c.22), the Equality Act 2010 (c.15) and the Crime and Courts Act 2013 (c.22); and section 18A was inserted by the Enterprise and Regulatory Reform Act 2013 (c.24).

Amendments to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

2. Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013(2) shall be amended as set out in regulation 3.

3. For rule 54 substitute—

“54. A preliminary hearing may be directed by the Tribunal on its own initiative at any time or as the result of an application by a party. The Tribunal shall give the parties reasonable notice of the date of the hearing and in the case of a hearing involving any preliminary issues at least 14 days’ notice shall be given and the notice shall specify the preliminary issues that are to be, or may be, decided at the hearing.”.

Amendments to the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014

4. The Schedule to the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014(3) shall be amended as set out in regulation 5.

5. For rule 4 substitute—

“4. The prospective claimant may provide the name of more than one prospective respondent on an early conciliation form presented under rule 2 or in a telephone call made under rule 3.”.

Paul Scully
Minister for Small Business, Consumers &
Labour Markets
Department of Business, Energy and Industrial
Strategy

13th September 2021

(2) [S.I. 2013/1237](#), amended by the Employment Tribunals (Constitution and Rules of Procedure) (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2020 ([S.I. 2020/1003](#)); there are other amending instruments but none is relevant.

(3) [S.I. 2014/254](#), to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (“the 2013 Regulations”) and the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014 (“the 2014 Regulations”). Regulations 1, 2 and 3 come into force on 6th October 2021 and the remainder of these Regulations come into force on 1st December 2021.

Regulation 3 amends rule 54 of the 2013 Regulations to provide for Tribunals to give parties reasonable notice of a preliminary hearing and in the case of a hearing involving any preliminary issues at least 14 days’ notice.

Regulation 5 amends the 2014 Regulations to allow a prospective claimant to provide the names of more than one prospective respondent on an early conciliation form presented under rule 2 or in a telephone call made to ACAS under rule 3.

The primary impact of these changes is to reduce unnecessary bureaucracy in providing access to justice through the employment tribunal system. The estimated familiarisation costs to business, and the ongoing costs and benefits to business from these reforms are expected to be well below the threshold of £5 million a year required for the production of a full impact assessment.